

Senate File 2317 - Reprinted

SENATE FILE 2317

BY COMMITTEE ON REBUILD IOWA

(SUCCESSOR TO SSB 3189)

(As Amended and Passed by the Senate February 18, 2010)

A BILL FOR

1 An Act authorizing the creation of watershed management
2 authorities.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. **28P.1 Definitions.**

2 As used in this chapter, unless the context otherwise
3 requires:

4 1. "*Authority*" means a watershed management authority
5 created pursuant to a chapter 28E agreement as provided in this
6 chapter.

7 2. "*Board*" means a board of directors of a watershed
8 management authority.

9 3. "*Political subdivision*" means cities, counties, and soil
10 and water conservation districts.

11 Sec. 2. NEW SECTION. **28P.2 Watershed management authorities**
12 **created.**

13 1. Two or more political subdivisions may create, by chapter
14 28E agreement, a watershed management authority pursuant to
15 this chapter. The participating political subdivisions must be
16 located in the same United States geological survey hydrologic
17 unit code 8 watershed.

18 2. The chapter 28E agreement shall include a map showing the
19 area and boundaries of the authority.

20 3. A county or a soil and water conservation district may
21 participate in more than one authority created pursuant to this
22 chapter.

23 4. A political subdivision is not required to participate in
24 a watershed management authority or be a party to a chapter 28E
25 agreement under this chapter.

26 Sec. 3. NEW SECTION. **28P.3 Duties.**

27 A watershed management authority may perform all of the
28 following duties:

29 1. Assess the flood risks in the watershed.

30 2. Assess the water quality in the watershed.

31 3. Assess options for reducing flood risk and improving
32 water quality in the watershed.

33 4. Monitor federal flood risk planning and activities.

34 5. Educate residents of the watershed area regarding water
35 quality and flood risks.

1 6. Allocate moneys made available to the authority for
2 purposes of water quality and flood mitigation.

3 7. Make and enter into contracts and agreements and execute
4 all instruments necessary or incidental to the performance of
5 the duties of the authority.

6 8. Set rates for dues for participating cities and counties.
7 Dues shall be assessed on a proportional basis based on
8 population, land area, or both, of the participating cities and
9 counties as determined by the authority.

10 Sec. 4. NEW SECTION. **28P.4 Board of directors.**

11 1. An authority shall be governed by a board of directors.
12 Members of a board of directors of an authority shall be
13 divided among the political subdivisions comprising the
14 authority and shall be appointed by the respective political
15 subdivision's elected legislative body.

16 2. Representation on a board and the number of directors
17 comprising a board shall be determined by agreement between the
18 political subdivisions comprising the authority.

19 2A. The composition of the board regarding participating
20 cities and counties shall be based on the proportion of the
21 population of each participating city or county to the total
22 population of the participating cities and counties. Each
23 participating soil and water conservation district shall have
24 at least one director on the board. This subsection shall not
25 apply if a chapter 28E agreement under this chapter provides an
26 alternative board composition method.

27 3. The directors shall serve staggered terms of four years.
28 The initial board shall determine, by lot, the initial terms
29 to be shortened and lengthened, as necessary, to achieve
30 staggered terms. A person appointed to fill a vacancy shall be
31 appointed in the same manner as the original appointment for
32 the duration of the unexpired term. A director is eligible for
33 reappointment. This subsection shall not apply if a chapter
34 28E agreement under this chapter provides an alternative
35 for the length of term, appointment, and reappointment of

1 directors.

2 4. A board may provide procedures for the removal of a
3 director who fails to attend three consecutive regular meetings
4 of the board. If a director is so removed, a successor shall be
5 appointed for the duration of the unexpired term of the removed
6 director in the same manner as the original appointment. The
7 appointing body may at any time remove a director appointed by
8 it for misfeasance, nonfeasance, or malfeasance in office.

9 5. A board shall adopt bylaws and shall elect one director
10 as chairperson and one director as vice chairperson, each for a
11 term of two years, and shall appoint a secretary who need not
12 be a director.

13 6. A majority of the membership of a board of directors
14 shall constitute a quorum for the purpose of holding a meeting
15 of the board. The affirmative vote of a majority of a quorum
16 shall be necessary for any action taken by an authority unless
17 the authority's bylaws specify those particular actions of the
18 authority requiring a greater number of affirmative votes. A
19 vacancy in the membership of the board shall not impair the
20 rights of a quorum to exercise all the rights and perform all
21 the duties of the authority.

22 Sec. 5. NEW SECTION. **28P.5 Activities coordination.**

23 In all activities of a watershed management authority, the
24 authority shall coordinate and cooperate with the department
25 of natural resources, the department of agriculture and land
26 stewardship, councils of governments, public drinking water
27 utilities, and soil and water conservation districts.